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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,981	09/28/2001	Diane K. Smith	47117/14489	5174
23380	7590	04/07/2004	EXAMINER	
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475			PWU, JEFFREY C	
		ART UNIT	PAPER NUMBER	
		3628		

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/965,981	SMITH, DIANE K.
<b>Examiner</b>	<b>Art Unit</b>	
Jeffrey Pwu	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_\_.  
2a)  This action is **FINAL**.                            2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-29 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-29 are rejected under 35 U.S.C. 102(b) as being unpatentable over Moore et al. (US 5,630,127).

Moore et al. disclose a system (GRMS) and method for assessing risk for a financial institution, the steps comprising:

- receiving financial institution risk assessment data (812) from a plurality of sources, each financial institution risk assessment includes data representative of a plurality of selected financial institution risk factors (col.21, line 63-col.22, line 20);
- generating a financial institution composite risk assessment data in accordance with a calculation based on pre-selected financial institution risk assessment parameters and a comparison thereto (abstract; fig.1; col.3, line 40-col.5, line 55);
- outputting (report output) the financial institution composite risk assessment on a computer readable medium;
- wherein the plurality of risk factors are selected from the group of credit risk factor, market factor, liquidity risk factor, operational risk factor, and reputation risk factor (col.12, lines 40-67).

Moore et al. further disclose a system and method for tracking at least one of a financial institution examination and financial institution inspection utilizing a computer based system (GRMS), the steps comprising:

- initiating a scheduled stage of the financial institution examination, the initiating stage including generating an financial institution examination form, the computer based system having means for receiving data to store on the form (figs. 1,2, and 9);
- linking an additional financial institution examination form to the financial institution examination by the computer based system (col.4, line 10-col.5, line 30);
- notifying an examiner (col.4, lines 65-68 or col.8, lines 4-6) when the financial institution examination is due to be completed;
- receiving financial institution examination data into the financial institution examination form and additional financial institution forms associated with the computer based system (figs. 8-10);
- verifying, by the computer based system, all necessary financial institution examination data has been entered into the system by performing a check thereof in accordance with pre-selected criteria (col.16, line 29-col.20, line 35);
- communicating data representative of a financial institution examination form and additional financial institution forms to a supervisor for review (col.4, lines 65-68 or col.8, lines 4-6);
- receiving data representative of supervisory approval (col.4, lines 65-68 or col.8, lines 4-6); and
- storing and updating at least one database upon receipt of the data representative of supervisory approval (col.4, lines 65-68 or col.8, lines 4-6).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 703 308-7835. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 703 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey Pwu  
  
Art Unit 3628  
**JEFFREY PWU**  
**PRIMARY EXAMINER**